

REMARKS

This paper is submitted in response to the Office action mailed on October 05, 2009. This paper amends claims 14 and 17 and cancels claims 15-16. Accordingly, after entry of this Amendment and Response, claims 14 and 17 will be pending.

I. Claim Rejections Under 35 U.S.C. § 101

The Office action rejects claims 14-17 under 35 U.S.C. § 101 as directed to non-statutory subject matter. Specifically, the Office action states that in view of paragraph 0036 of the disclosure “the computer readable storage medium is not limited to storage media embodiments, instead being defined as including both storage media embodiments (e.g., CD-ROM, disk, magnetic tapes) and transmission media embodiments (e.g., data signal, carrier wave).” *Office action dated October 5, 2009; page 2.* The Applicant respectfully traverses the rejection. In the response dated June 26, 2009, the Applicant amended paragraph 0036 of the specification to clarify that the definition of computer readable storage medium included storage media not include transmission media. As the term “computer readable storage medium” is defined in paragraph 0036 as including storage media and not transmission media, the Applicant respectfully submits that claims 14-17 are statutory. However, this response cancels claims 15-16 and the Applicant respectfully submits that this rejection is moot with regards to claims 15-16.

II. Claim Rejections Under 35 U.S.C. § 103

The Office action rejects claims 14-17 under 35 U.S.C. § 103a) as unpatentable over Folliot “A Dynamically Configurable, Multi-Language Execution Platform” pages 175-181 (hereinafter “Folliot”), in view of Javasoft “Java Native Interface Specification” pages 1-82 (hereinafter “JNI”). The Applicant respectfully traverses the rejection.

A proper obviousness rejection based on a rationale of combining prior art elements requires at least “a finding that the prior art included each element claimed...with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements.” MPEP § 2143(A). *See also In re Royka*, 490 F.2d 981, 985 (C.C.P.A. 1974); *CFMT, Inc. v. YieldUp Int’l Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003). For at least the reasons stated below, the Applicant respectfully submits that claims 14-17 are not obvious over Folliot in view of JNI.

Amended independent claim 14 recites a “bi-directional virtual machine interface” that includes “a set of functions for executing virtual machine implementation-dependent library operations performable by the single virtual machine implementation, the set of functions callable by at least one function of the first implementation of the specific support library for executing a virtual machine implementation-dependent library function of the first

implementation of the specific support library and by at least one function of the second implementation of the specific support library for executing a virtual machine implementation-dependent library function of the second implementation of the specific support library such that the first implementation of the specific support library can be replaced with the second implementation of the specific support library.” Amended independent claim 17 recites similar features. For at least the following reasons, the Applicant respectfully asserts that the combination of Folliot and JNI does not teach or suggest the above features.

Folliot teaches a virtual execution environment that can execute applications written in different bytecode languages. *Folliot; page 176, last full paragraph*. When the virtual execution environment encounters an application written in a particular bytecode language, the virtual execute environment loads a VMlet that is associated with that particular bytecode language. *Folliot; page 177, first full paragraph*. The loaded VMlet then translates the application from the particular bytecode language into a language neutral representation that can be executed by the virtual execution environment.

Folliot does not disclose a first implementation of a specific support library that can be replaced by a second implementation of the support library because a bi-directional virtual machine interface defines a set of functions for executing virtual machine implementation-dependent library operations and the functions of the specific support library implementations each call the set of functions for executing virtual machine implementation-dependent library functions. Folliot loads and unloads VMlets, but Folliot only unloads a VMlet for translating a bytecode language not currently being executed and loads a VMlet for translating a bytecode language that is currently being executed. The unloaded and loaded VMlets are not different implementations of a specific support library. Rather, the unloaded and loaded VMlets are for translating different bytecode languages.

JNI does not cure the defects of Folliot. JNI discloses an interface that enables interaction between Java code and other programming languages. *JNI; page 1, first full paragraph*. This assists programmers who cannot write their applications entirely in Java. *JNI; page 1, last full paragraph*. JNI does not disclose an interface that defines a set of functions for executing virtual machine implementation-dependent library operations and different implementations of a specific library that each call the set of functions for executing virtual machine implementation-dependent library functions. Hence, even combined with Folliot JNI does not teach a bi-directional virtual machine interface that allows a first implementation of a specific support library to be replaced with a second implementation of the specific support library without modification of the interface or the virtual machine implementation.

Neither Folliot nor JNI teach or suggest the recited “bi-directional virtual machine interface.” Thus, the combination of Folliot and JNI fails to disclose all of the claimed

limitations of amended independent claims 14 and 17. Hence, for at least these reasons, the Applicant respectfully submits that amended independent claims 14 and 17 are patentable over the combination of Folliot and JN1.

The Applicant has cancelled claims 15 and 16 purely in the interests of simplified prosecution as substantially duplicative of claims 14 and 17. The cancellation of claims 15 and 16 is in no way to be interpreted as surrender of any subject matter not covered by claims 14 and 17. The Applicant reserves the right to present the same or similar subject matter as cancelled claims 15 and 16 in a continuing application.

III. Conclusion

The Assignee thanks the Examiner for his thorough review of the application. The Assignee respectfully submits the present application, as amended, is in condition for allowance and respectfully requests the issuance of a Notice of Allowability as soon as practicable.

This Amendment is submitted contemporaneously with a petition for a 1-month extension of time in accordance with 37 CFR § 1.136(a). Accordingly, please charge Deposit Account No. 04-1415 in the amount of \$130, for a 1-month extension of time fee. The Assignee believes no further fees or petitions are required. However, if any such petitions or fees are necessary, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 accordingly.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney.

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Respectfully submitted,



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